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OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-EIGHTH LEGISLATIVE DAY
MONDAY, MARCH 29, 2010

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senator Schroeder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Katharine Hoehne, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 26, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Schroeder was recorded present at this order of business.

March 29, 2010

The JUDICIARY AND RULES Committee reports that [SJM 106](#) has been correctly printed.

DARRINGTON, Chairman

[SJM 106](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 29, 2010

The JUDICIARY AND RULES Committee reports that [S 1335](#), as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

[S 1335](#), as amended in the House, was filed for first reading.

March 26, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1305](#), as amended, [S 1330](#), as amended, [S 1359](#),

and [S 1378](#), as amended, were delivered to the Office of the Governor at 2:25 p.m., March 26, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2010

The EDUCATION Committee reports out [H 682](#) and [H 727](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 682](#) and [H 727](#) were filed for second reading.

March 26, 2010

The EDUCATION Committee reports out [H 699](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, [H 699](#) was referred to the Fourteenth Order of Business, General Calendar.

March 26, 2010

The FINANCE Committee reports out [S 1445](#) with the recommendation that it do pass.

CAMERON, Chairman

[S 1445](#) was filed for second reading.

March 29, 2010

The HEALTH AND WELFARE Committee reports out [H 708](#) with the recommendation that it do pass.

LODGE, Chairman

[H 708](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 26, 2010

Dear Mr. President:

I transmit herewith [H 729](#) and [H 728](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 729](#) and [H 728](#) were filed for first reading.

March 26, 2010

Dear Mr. President:

I return herewith [S 1403](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Smyser, granted by unanimous consent, [S 1403](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions,

for consideration as to possible concurrence in the House amendments.

March 26, 2010

Dear Mr. President:

I return herewith [S 1407](#), as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Bair, granted by unanimous consent, [S 1407](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 26, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 59](#), [H 459](#), [H 602](#), as amended, [H 398](#), [H 438](#), [H 542](#), [H 574](#), [H 425](#), [H 608](#), as amended, [H 596](#), as amended, [H 496](#), [H 555](#), [H 543](#), [H 603](#), [H 550](#), [H 554](#), [H 593](#), as amended, [H 613](#), and [H 531](#), as amended, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 59](#), [H 459](#), [H 602](#), as amended, [H 398](#), [H 438](#), [H 542](#), [H 574](#), [H 425](#), [H 608](#), as amended, [H 596](#), as amended, [H 496](#), [H 555](#), [H 543](#), [H 603](#), [H 550](#), [H 554](#), [H 593](#), as amended, [H 613](#), and [H 531](#), as amended, and ordered them returned to the House.

March 26, 2010

Dear Mr. President:

I return herewith [S 1417](#), [S 1320](#), as amended, [S 1340](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1301](#), [S 1310](#), [S 1399](#), [S 1400](#), [S 1311](#), as amended, [S 1361](#), as amended, [S 1398](#), and [S 1385](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1417](#), [S 1320](#), as amended, [S 1340](#), as amended, [S 1382](#), as amended, [S 1383](#), as amended, [S 1384](#), [S 1301](#), [S 1310](#), [S 1399](#), [S 1400](#), [S 1311](#), as amended, [S 1361](#), as amended, [S 1398](#), and [S 1385](#) were referred to the Judiciary and Rules Committee for enrolling.

March 26, 2010

Dear Mr. President:

I return herewith Enrolled [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), and [S 1410](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1327](#), [S 1345](#), as amended, [S 1357](#), [S 1365](#), as amended, [S 1375](#), as amended, [S 1409](#), and [S 1410](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 26, 2010

Dear Mr. President:

I return herewith Enrolled [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 113](#), [SCR 115](#), [SCR 119](#), and [SCR 120](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 29, 2010

Dear Mr. President:

I transmit herewith Enrolled [HCR 44](#), [H 607](#), [H 630](#), [H 601](#), [H 611](#), [H 462](#), [H 504](#), [H 548](#), as amended, [H 581](#), [H 644](#), [H 605](#), [H 647](#), [H 460](#), [H 624](#), [H 664](#), [H 659](#), [H 660](#), [H 661](#), [H 668](#), [H 670](#), [H 671](#), [H 492](#), [H 575](#), [H 617](#), [H 636](#), [H 662](#), [H 677](#), [H 678](#), [H 679](#), [H 669](#), [H 407](#), as amended, [H 656](#), [H 683](#), [H 687](#), [H 685](#), [H 689](#), [H 690](#), [H 503](#), [H 646](#), as amended, [H 586](#), as amended, [H 609](#), [H 426](#), [H 433](#), as amended, [H 566](#), [H 652](#), [H 673](#), [H 674](#), [H 680](#), [H 694](#), [H 695](#), [H 696](#), and [H 657](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HCR 44](#), [H 607](#), [H 630](#), [H 601](#), [H 611](#), [H 462](#), [H 504](#), [H 548](#), as amended, [H 581](#), [H 644](#), [H 605](#), [H 647](#), [H 460](#), [H 624](#), [H 664](#), [H 659](#), [H 660](#), [H 661](#), [H 668](#), [H 670](#), [H 671](#), [H 492](#), [H 575](#), [H 617](#), [H 636](#), [H 662](#), [H 677](#), [H 678](#), [H 679](#), [H 669](#), [H 407](#), as amended, [H 656](#), [H 683](#), [H 687](#), [H 685](#), [H 689](#), [H 690](#), [H 503](#), [H 646](#), as amended, [H 586](#), as amended, [H 609](#), [H 426](#), [H 433](#), as amended, [H 566](#), [H 652](#), [H 673](#), [H 674](#), [H 680](#), [H 694](#), [H 695](#), [H 696](#), and [H 657](#) and ordered them returned to the House.

March 29, 2010

Dear Mr. President:

I return herewith Enrolled [S 1354](#), as amended in the House, [S 1376](#), as amended in the House, [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1354](#), as amended in the House, [S 1376](#), as amended in the House, [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

The President announced that [SCR 127](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Kelly, [SCR 127](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 48](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Werk, [HCR 48](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HCR 64](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Fulcher, [HCR 64](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to [S 1403](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1403](#), as amended in the House?"

On request by Senator Smyser, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1403](#), as amended in the House.

[S 1403](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to [S 1407](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1407](#), as amended in the House?"

On request by Senator Bair, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1407](#), as amended in the House.

[S 1407](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of [SJM 106](#) were suspended.

The President declared the rules suspended and announced that [SJM 106](#) was now before the Senate for final consideration. The question being, Shall the memorial be adopted?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Goedde disclosed a possible conflict of interest under applicable law.

On motion by Senator McKenzie, seconded by Senator Davis, [SJM 106](#) was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2010

The JUDICIARY AND RULES Committee reports that [S 1403](#), as amended in the House, and [S 1407](#), as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

[S 1403](#), as amended in the House, and [S 1407](#), as amended in the House, were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[S 1335](#), as amended in the House, by Health and Welfare Committee, was introduced, read the first time at length, and filed for second reading.

[H 728](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1444](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 726](#), [H 714](#), [H 715](#), [H 716](#), [H 717](#), [H 721](#), [H 722](#), [H 723](#), [H 724](#), and [H 725](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[H 682](#), by Education Committee, was read the second time at length and filed for third reading.

[H 727](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1445](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 708](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 688](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 688](#) passed, title was approved, and the bill ordered returned to the House.

[H 675](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 28.

NAYS—Bock, Kelly, Mortimer, Werk. Total - 4.

Absent and excused—Bilyeu, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared [H 675](#) passed, title was approved, and the bill ordered returned to the House.

[H 684](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 684](#) passed, title was approved, and the bill ordered returned to the House.

[H 704](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 704](#) passed, title was approved, and the bill ordered returned to the House.

[H 705](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 705](#) passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:35 p.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and Senators Davis, Lodge, and Werk, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 29, 2010

The FINANCE Committee reports out [H 728](#) with the recommendation that it do pass.

CAMERON, Chairman

[H 728](#) was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Davis was recorded present at this order of business.

[H 710](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—None.

Absent and excused—Lodge, Malepeai, Werk. Total - 3.

Total - 35.

Whereupon the President declared [H 710](#) passed, title was approved, and the bill ordered returned to the House.

Senators Lodge and Werk were recorded present at this order of business.

[H 711](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 711](#) passed, title was approved, and the bill ordered returned to the House.

[H 712](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 712](#) passed, title was approved, and the bill ordered returned to the House.

[H 713](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Kerby arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 713](#) passed, title was approved, and the bill ordered returned to the House.

[H 631](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 631](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 692](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Lodge, McGee, McKague, McKenzie, Siddoway, Smyser, Stegner, Winder. Total - 21.

NAYS–Bilyeu, Bock, Broadsword, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Mortimer, Pearce, Schroeder, Stennett (Stennett), Werk. Total - 13.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 692](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 667](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 30.

NAYS–Bock, Kelly, LeFavour, Werk. Total - 4.

Absent and excused–Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 667](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 676](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS–Geddes, Mortimer. Total - 2.

Absent and excused–Malepeai, Stegner. Total - 2.

Total - 35.

Whereupon the President declared [H 676](#), as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1444](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1444](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1444](#) passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 726](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 726](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 726](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Fulcher, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 714](#) were suspended, and the portions of Section

15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 714](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 714](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 715](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 715](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 28.

NAYS—Bock, Kelly, LeFavour, Malepeai, Stegner, Stennett (Stennett), Werk. Total - 7.

Paired and voting included in roll call:

AYE - Bair

NAY - Malepeai

Total - 35.

Whereupon the President declared [H 715](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 716](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 716](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator

Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 716](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 717](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 717](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 28.

NAYS--Bilyeu, Bock, Kelly, LeFavour, Stennett (Stennett), Werk. Total - 6.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 717](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 721](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 721](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague,

McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 721](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 722](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 722](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS--Kelly, Werk. Total - 2.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 722](#) passed, title was approved, and the bill ordered returned to the House.

President Little called Acting Senator Kerby to the Chair.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 723](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 723](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS--None.

Absent and excused--Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 723](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 724](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 724](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 724](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Fulcher, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 725](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 725](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 725](#) passed, title was approved, and the bill ordered returned to the House.

[H 637](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 637](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1445](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1445](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [S 1445](#) passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 682](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 682](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the Acting President declared [H 682](#) passed, title was approved, and the bill ordered returned to the House.

President Little returned to the Chair.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 708](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 708](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 25.

NAYS—Bilyeu, Bock, Heinrich, Jorgenson, Kelly, LeFavour, Stegner, Stennett (Stennett), Werk. Total - 9.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 708](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 727](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

[H 727](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 727](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1354](#), as amended in the House, [S 1376](#), as amended in the House, [S 1412](#), [S 1413](#), [S 1415](#), [S 1416](#), and [S 1418](#) were delivered to the Office of the Governor at 3 p.m., March 29, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 29, 2010

The TRANSPORTATION Committee reports out [H 729](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCGEE, Chairman

There being no objection, [H 729](#) was referred to the Fourteenth Order of Business, General Calendar.

March 29, 2010

The TRANSPORTATION Committee reports out [H 600](#) with the recommendation that it do pass.

MCGEE, Chairman

[H 600](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 29, 2010

Dear Mr. President:

I return herewith [SCR 125](#), [SCR 126](#), [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1440](#), [S 1441](#), [S 1439](#), [S 1438](#), [S 1436](#), [S 1437](#), [S 1442](#), [S 1443](#), [S 1433](#), [S 1434](#), and [S 1435](#), which have passed the House.

ALEXANDER, Chief Clerk

[SCR 125](#), [SCR 126](#), [S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1440](#), [S 1441](#), [S 1439](#), [S 1438](#), [S 1436](#), [S 1437](#), [S 1442](#), [S 1443](#), [S 1433](#), [S 1434](#), and [S 1435](#) were referred to the Judiciary and Rules Committee for enrolling.

March 29, 2010

Dear Mr. President:

I return herewith [S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1419](#), [S 1420](#), [S 1423](#), [S 1424](#), [S 1426](#), and [S 1427](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out [H 589](#), [H 614](#), [H 681](#), [H 699](#), and [H 729](#), without recommendation, amended as follows:

SENATE AMENDMENT TO H 589

AMENDMENT TO SECTION 3

On page 2 of the printed bill, delete line 42, and insert: "significant parts imported from another state.

(3) It is declared by the legislature that generic and insignificant".

On page 3, delete line 11, and insert:

"(4) Subsections (2) and (3) of this section do not apply to:"; in line 20, delete "4" and insert: "5"; in line 23, delete "5" and insert: "6"; in line 26, delete "6" and insert: "7"; in line 28, delete "legal"; and in line 29, delete "matter" and insert: "civil action".

SENATE AMENDMENT TO H 589

AMENDMENT TO SECTION 3

On page 3 of the printed bill, delete lines 26 through 30.

CORRECTION TO TITLE

On page 1, delete lines 7 through 9, and insert: "PROVIDE REQUIREMENTS FOR MARKETING OF FIREARMS IN IDAHO AND TO PROVIDE APPLICABILITY; AND PROVIDING SEVERABILITY".

SENATE AMENDMENT TO H 614

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 41; delete page 2, and insert:

"SECTION 1. That Section 67-5223, Idaho Code, be, and the same is hereby amended to read as follows:

67-5223. INTERIM LEGISLATIVE REVIEW – STATEMENT OF ECONOMIC IMPACT. (1) After notice of proposed rulemaking is filed with the coordinator, the coordinator, after making technical corrections as authorized in section 67-5202, Idaho Code, shall provide the notice, accompanied by the full text of the rule under consideration in legislative format, as well as a statement of the substance of the intended action, to the director of legislative services. If the proposed rulemaking is based upon a requirement of federal law or regulation, a copy of that specific federal law or regulation shall accompany the submission to the director of legislative services. The director of legislative services shall analyze and refer the material under consideration to the germane joint subcommittee created in section 67-454, Idaho Code.

(2) An agency shall prepare and deliver to the germane joint subcommittee a statement of economic impact with respect to a proposed rule if the germane joint subcommittee files a written request with the agency for such a statement. The statement shall contain an evaluation of the costs and benefits of the rule, including any health, safety, or welfare costs and benefits.

(3) An agency shall prepare for inclusion with the filing of the proposed rule change a statement of economic impact on all proposed rules in which a fee or charge is imposed or increased. The cost/benefit analysis shall include reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs borne by citizens, or the private sector or both. The adequacy of the contents of the statement of economic impact in subsections (1) and (2) of this section is not subject to judicial review and the accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

SECTION 2. That Section 67-5229, Idaho Code, be, and the same is hereby amended to read as follows:

67-5229. INCORPORATION BY REFERENCE. (1) If the incorporation of its text in the agency rules would be unduly cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference in its rules and without republication of the incorporated material in full, all or any part of:

- (a) A code, standard or rule adopted by an agency of the United States;
 - (b) A code, standard or rule adopted by any nationally recognized organization or association;
 - (c) A code or standard adopted by Idaho statute or authorized by Idaho statute for adoption by rule; or
 - (d) A final rule of a state agency; provided however, that a state agency shall not adopt a temporary rule incorporating by reference a rule of that agency that is being or has been repealed unless the rule providing for the incorporation has been reviewed and approved by the legislature.
- (2) The agency shall, as part of the rulemaking:
- (a) Include in the notice of proposed rulemaking a brief written synopsis of why the incorporation is needed; and
 - (b) Note where copies of the incorporated material may be obtained or electronically accessed an electronic copy can be obtained or provide an electronic link to the incorporated materials that at a minimum will be posted on the agency's website or included in the rule that is published in the administrative code on the website of the office of the administrative rules coordinator; and
 - (~~bc~~) If otherwise unavailable, provide one (1) copy of the incorporated material to the Idaho supreme court law library note where copyrighted or other proprietary materials can be viewed or purchased.

(3) The incorporated material shall be identified with specificity and shall include the date when the code, standard or rule was published, approved or became effective. If the agency subsequently wishes to adopt amendments to previously incorporated material, it shall comply with the rulemaking procedures of this chapter.

(4) Unless prohibited by other provisions of law, the incorporated material is subject to legislative review in accordance with the provisions of section 67-5291, Idaho Code, and shall have the same force and effect as a rule."

CORRECTION TO TITLE

On page 1, delete lines 2 through 7, and insert: "RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5223, IDAHO CODE, TO PROVIDE FOR STATEMENTS OF ECONOMIC IMPACT TO BE FILED WITH RULES; AND AMENDING SECTION 67-5229, IDAHO CODE, TO REVISE PROCEDURES FOR INCORPORATION BY REFERENCE IN

RULEMAKING AND TO MAKE A TECHNICAL CORRECTION."

SENATE AMENDMENT TO H 681

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 28 through 30, and insert:

"(2) The county medically indigent program and the catastrophic health care cost program are payers of last resort."

AMENDMENT TO SECTION 2

On page 5, in line 14, delete "contingent".

AMENDMENT TO SECTION 18

On page 15, in line 11, delete "Pursuant to the provisions of this chapter, the obligated"; in line 12, delete "county and the board are payers of last resort"; and in line 15, delete ", in whole or in part".

AMENDMENT TO SECTION 29

On page 23, in line 12, following "payments to" insert: "hospitals or"; in line 16, following "an applicant, a" insert: "hospital or"; in line 22, following "made to" insert: "hospitals or"; in line 26, following "Payment to a" insert: "hospital or"; in line 27, following "full and the" insert: "hospital or".

CORRECTION TO TITLE

On page 1, in line 36, following "PAYMENT" insert: "AND BILLING"; also in line 36, delete "FOR THE BOARD AND"; and in line 37, delete "OBLIGATED COUNTIES".

On page 2, in line 8, following "IDAHO CODE," insert: "TO PROVIDE CERTAIN PAYMENTS, PROCEDURES AND LIMITATIONS REGARDING HOSPITALS,".

SENATE AMENDMENT TO H 699

AMENDMENT TO SECTION 2

On page 1 of the printed bill, delete lines 25 and 26; in line 27, delete "(iv)" and insert: "(iii)"; also in line 27, delete "." and insert: ";"; and following line 27, insert:

"(iv) A publicly funded governmental entity established by the state for the express purpose of providing online courses.";

delete lines 34 and 35, and insert:

"(2) (a) No later than December 1, 2011, each education provider shall develop and maintain a".

On page 2, delete lines 5 and 6; in line 7, delete "(v)" and insert: "(iv)"; in line 9, delete "(vi)" and insert: "(v)"; in line 11, delete "(vii)" and insert: "(vi)"; in line 19, delete "financial data" and insert: "expenditures"; in line 21, delete "financial data" and insert: "expenditures"; and in line 27, delete "2010" and insert: "2011, and all data prior to that date shall be available by way of a public records request".

AMENDMENT TO THE BILL

On page 2, following line 27, insert:

"SECTION 3. This act shall be in full force and effect on and after July 1, 2011."

CORRECTION TO TITLE

On page 1, in line 5, following "SITE" insert: "; AND PROVIDING AN EFFECTIVE DATE".

SENATE AMENDMENT TO H 729

AMENDMENT TO SECTION 3

On page 4 of the printed bill, delete lines 37 through 41, and insert:

"(2) A first violation of the provisions of this section where no property damage or injury to any person occurs shall

be an infraction punishable by a fixed penalty of fifty dollars (\$50.00), plus court costs. A second and any subsequent violation of the provisions of this section where no property damage or injury to any person occurs shall be an infraction punishable by a fixed penalty of one hundred dollars (\$100), plus court costs. A violation of the provisions of this section where property damage or injury to any person occurs shall be a misdemeanor punishable by a fine of not more than three hundred dollars (\$300) and imprisonment of up to ninety (90) days in jail, or both such fine and imprisonment."

The Committee also has [S 1348](#), [S 1350](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[H 589](#), as amended in the Senate, [H 614](#), as amended in the Senate, [H 681](#), as amended in the Senate, [H 699](#), as amended in the Senate, and [H 729](#), as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, [S 1348](#), and [S 1350](#), were recommitted to the Transportation Committee; and [S 1271](#) was recommitted to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 589](#), [H 614](#), [H 681](#), [H 699](#), and [H 729](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 589](#), as amended in the Senate, [H 614](#), as amended in the Senate, and [H 681](#), as amended in the Senate, by State Affairs Committee, were read the first time at length and filed for second reading.

[H 699](#), as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

[H 729](#), as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 589](#), as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State

of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 589, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Stegner, Stennett (Stennett), Werk. Total - 7.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 589**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 614**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 614, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—McKague. Total - 1.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 614**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 681**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 681, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final

consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared **H 681**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 699**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 699, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Lodge, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 16.

NAYS—Bair, Bilyeu, Bock, Brackett, Broadsword, Coiner, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, McGee, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 18.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared that **H 699**, as amended in the Senate, had failed to pass the Senate and ordered the bill returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 729**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

H 729, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS—Fulcher, McKenzie, Mortimer, Pearce. Total - 4.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 729](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Having voted on the prevailing side, Senator Hill moved, seconded by Senator Davis, that the vote by which [H 699](#), as amended in the Senate, failed to pass the Senate be now reconsidered. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES—Andreason, Broadsword, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 19.

NAYS—Bair, Bilyeu, Bock, Brackett, Cameron, Coiner, Darrington, Heinrich, Kelly, LeFavour, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk, Winder. Total - 15.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared the motion did prevail and announced that [H 699](#), as amended in the Senate, was now before the Senate for final consideration.

[H 699](#), as amended in the Senate, was placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Kerby (Keough), Lodge, McKague, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 17.

NAYS—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Darrington, Heinrich, Kelly, LeFavour, McGee, McKenzie, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 17.

Absent and excused—Malepeai. Total - 1.

Total - 35.

The roll call having resulted in a tie vote, the President voted AYE and declared [H 699](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 728](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 728](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 31.

NAYS—Kelly, LeFavour, Schroeder. Total - 3.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 728](#) passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1335](#), as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1335](#), as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1335](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1403](#), as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1403](#), as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1403](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1407](#), as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1407](#), as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [S 1407](#), as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [H 600](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[H 600](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis,

Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Malepeai. Total - 1.

Total - 35.

Whereupon the President declared [H 600](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Hammond, Chairman, and Senators Heinrich and Werk to notify the House of Representatives that the Senate has completed its business and was ready to adjourn *Sine Die*. The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Kelly, Chairman, and Senators Corder and Mortimer to notify the Governor that the Senate has completed its business and was ready to adjourn *Sine Die*. The committee was excused.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's response to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's response to the President and the members of the Senate.

The President thanked and discharged the committee.

On request by Senator Davis, granted by unanimous consent, the following letter from the Honorable C. L. "Butch" Otter, Governor of Idaho, was spread upon the pages of the Journal:

March 29, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

To all the distinguished members of the Idaho Senate, please accept my humble and sincere appreciation for your work, and my congratulations on concluding an efficient and productive session.

You served the people of Idaho with dignity and great character these past months, negotiating a balanced budget through a difficult economy with sensitivity and discretion.

Thank you for holding the line against tax increases that other states have enacted or are considering.

Thank you for expressing your civic virtue by protecting our citizens' self determination and our state's sovereignty. And thank you most of all for seeking after the proper role of government in the lives of the people of Idaho.

Travel home safely, and Godspeed until we meet again.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor

On request by Senator Davis, granted by unanimous consent, the President ordered the Sergeant at Arms to retrieve the Idaho State flag that had been raised over the Senate Chamber during the Second Regular Session of the Sixtieth Legislature of the State of Idaho. The flag was presented to Senator Cameron, Chairman of the Senate Finance Committee and Co-chairman of the Joint Finance and Appropriations Committee, in honor of his exemplary service to the Senate.

On motion by Senator Davis, seconded by Acting Senator Stennett, by voice vote the Second Regular Session of the Sixtieth Legislature of the Idaho Senate adjourned *Sine Die*, in honor of retiring Minority Leaders Senator Clint Stennett and Senator Kate Kelly at 8:55 p.m., Tuesday, March 30, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary

[Note: The following is action recorded after Senate *Sine Die*:]

March 29, 2010

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I have transmitted today to the Secretary of State the following Senate Bill, which was allowed to become law without my signature:

S 1353

as prescribed by the Constitution.

As Governor, the health and safety of every Idahoan is of paramount importance to me. I appreciate the efforts of healthcare providers and the great responsibility they have in our society. We entrust these individuals to diagnose, treat, medicate, and otherwise care for our loved ones every day. For this they hold a special place in our culture and deserve our respect and appreciation. That is why I applaud the hard work, effort, and discussion that went into **S 1353** (the "Health Conscience" Bill) to protect the rights and personal beliefs of healthcare providers.

That being said, proponents see this legislation as a prescription for individual freedom; yet it is unclear how far this legislation actually will go to protect healthcare providers in their employee/employer relationships or with patients, especially as courts across the country begin balancing patients' rights against the rights of healthcare professionals to refuse to provide

certain services. Despite this uncertainty, it is still worthwhile to explicitly provide protections for healthcare professionals.

Forcing healthcare professionals to provide services they find morally objectionable is unacceptable; however, negatively impacting patients' rights – especially when it comes to end-of-life decisions – is equally problematic. While I am comforted that **S 1353** provides for emergency care in life-threatening situations regardless of a provider's moral objection until another healthcare provider is found, we know this will be a small percentage of cases. Greater care must be taken to ensure decisions within living wills and powers of attorney concerning end-of-life treatment are honored without additional burdens on the patient or family.

There is no doubt that situations will arise outside of life-threatening emergencies that also will require further review to avoid jeopardizing patients' health and well-being. I hope that healthcare providers will remember the provision of the Hippocratic Oath or other applicable pledge that admonishes them to "follow that method of treatment which according to [their] ability and judgment, [they] consider for the benefit of the patient and abstain from whatever is harmful or mischievous."

I encourage the Legislature to revisit these issues and the definition of healthcare service to ensure patients receive the care they may need with dignity and respect, and without imposing on the morals of a provider.

I have a personal "Three C" test when considering public policy. Ironically, the third "c" is whether I am heeding my conscience. While this legislation may not be a panacea, I am willing to follow my conscience, allowing it to become law and seeing if it will protect the rights of providers without reducing patient care. If it does not, the Legislature and stakeholders should work on finding a balance.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. "Butch" Otter
Governor